

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IVAN RENE MOORE,
Plaintiff

v.

MICHELLE ROSENBLATT et al.,
Defendants.

Case No. 2:15-cv-8021-ODW (GJS)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint (“FAC”) and all pleadings, motions, and other documents filed in this action, the Amended Report and Recommendation of United States Magistrate Judge (“Amended Report”), Plaintiff’s Objections to the Amended Report, and Judicial Defendants’ Reply, and pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a de novo review of those portions of the Report to which objections have been stated.

In Plaintiff’s Objections to the Amended Report, he proffers a new purported basis for finding the judicial immunity doctrine inapplicable to the various California Superior Court judge Defendants, based on recent developments in Plaintiff’s many state court cases. The Court has considered this “new” evidence and concludes that it does not change the Court’s finding that all alleged improper

1 acts fall clearly within the scope of judicial function, and thus, within the judicial
 2 immunity doctrine. The Court has also considered Plaintiff's Objections regarding
 3 Clerk Jasper, which rehash the arguments made in his Opposition Brief. The Court
 4 finds these arguments to be unpersuasive.¹ Having completed its review, the Court
 5 concludes that nothing in the Objections affects or alters the analysis and
 6 conclusions set forth in the Report.

7 The Court accepts the findings and recommendations set forth in the Report,
 8 as set forth below. Accordingly, **IT IS ORDERED** that:

9 (1) Defendants' Motions to Dismiss the FAC [Dkts. 20 & 21] are GRANTED as
 10 follows:

- 11 a) the FAC's federal claims against Judicial Defendants Fruin, Rosenblatt,
 12 Meiers, Beaudet, Buckley, Shaller, Johnson, Raphael, and Jasper are
 13 dismissed with prejudice, and the state law claims against them are
 14 dismissed without prejudice;
- 15 b) the FAC's claims against Defendant Bragg are dismissed with leave to
 16 amend; and
- 17 c) the FAC's claims against the Unserved Los Angeles Defendants and
 18 Doe Defendants are dismissed without prejudice;

19 (2) all pending motions are DENIED as moot; and

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24 ¹ In the underlying briefing, the Judicial Defendants argued that the Court lacks
 25 jurisdiction over the case under the *Rooker-Feldman* doctrine, which prohibits
 26 "state-court losers" from challenging "state-court judgments rendered before the
 27 district court proceedings commenced." *Lance v. Dennis*, 546 U.S. 459, 460 (2006).
 28 The Court has not addressed the *Rooker-Feldman* issue, because judicial immunity
 clearly applies here and bars Plaintiff's claims against these Defendants. However,
 the Court notes that the *Rooker-Feldman* doctrine may provide an independent
 reason for dismissal of these Defendants.

1 (3) Plaintiff is granted leave to file a Second Amended Complaint against
2 Defendant Bragg consistent with the Amended Report and Recommendation
3 and this Order within 30 days of this Order.
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5 **IT IS SO ORDERED.**

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7 DATE: _November 16, 2016



8 OTIS D. WRIGHT II
9 UNITED STATES DISTRICT JUDGE
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